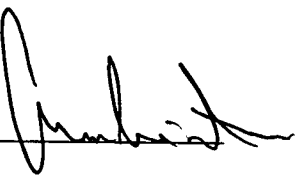


By 

S.B. No. 1460

1 A BILL TO BE ENTITLED

2 AN ACT

3
4 relating to changing certain dates in law related to the management
5 of the Edwards Aquifer.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8
9 SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd
10 Legislature, Regular Session, 1993, is amended to read as follows:

11 (10) "Existing user" means a person who has withdrawn
12 and beneficially used underground water from the aquifer on or
13 before June 1, 1995 [1993].

14 SECTION 2. Section 1.14(e), and (h), Chapter 626, Acts of the
15 73rd Legislature, Regular Session, 1993, are amended to read as
16 follows:

17 (e) The authority may not allow withdrawals from the aquifer
18 through wells drilled after June 1, 1995 [1993], except additional
19 water as provided by Subsection (d) and then on an interruptible

1 basis.

2 (h) To accomplish the purposes of this article, by June 1,
3 1996 [1994], the authority, through a program, shall implement and
4 enforce water management practices, procedures, and methods to
5 ensure that, not later than December 31, 2012, the continuous
6 minimum springflows of the Comal Springs and the San Marcos Springs
7 are maintained to protect endangered and threatened species to the
8 extent required by federal law. The authority from time to time as
9 appropriate may revise the practices, procedures, and methods. To
10 meet this requirement, the authority shall require:

11 (1) phased reductions in the amount of water that may be
12 used or withdrawn by existing users or categories of other users;
13 or

14 (2) implementation of alternative management practices,
15 procedures, and methods.

16 SECTION 3. Section 1.16(a) and (b), Chapter 626, Acts of the
17 73rd Legislature, Regular Session, 1993, are amended to read as
18 follows:

19 (a) An existing user may apply for an initial regular permit
20 by filing a declaration of historical use of underground water
21 withdrawn from the aquifer during the historical period from June
22 1, 1972, through May 31, 1995 [1993].

23 (b) An existing user's declaration of historical use must be
24 filed on or before March 1, 1996 [1994], on a form prescribed by
25 the board. An applicant for a permit must timely pay all

1 application fees required by the board. An owner of a well used
2 for irrigation must include additional documentation of the number
3 of acres irrigated during the historical period provided by
4 Subsection (a) of this section.

5 SECTION 4. Section 1.17(a) and (d), Chapter 626, Acts of the
6 73rd Legislature, Regular Session, 1993, is amended to read as
7 follows:

8 (a) A person who, on the effective date of this article, owns
9 a producing well that withdraws water from the aquifer may continue
10 to withdraw and beneficially use water without waste until final
11 action on permits by the authority, if:

12 (1) the well is in compliance with all statutes and
13 rules relating to well construction, approval, location, spacing,
14 and operation; and

15 (2) by March 1, 1996 [1994], the person files a
16 declaration of historical use on a form as required by the
17 authority.

18 (d) Interim authorization for a well under this section ends
19 on:

20 (1) entry of a final and appealable order by the
21 authority acting on the application for the well; or

22 (2) March 1, 1996 [1994], if the well owner has not
23 filed a declaration of historical use.

24 SECTION 5. Section 1.18(b), Chapter 626, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

1 (b) The authority may not consider or take action on an
2 application relating to a proposed or existing well of which there
3 is no evidence of actual beneficial use before June 1, 1995 [1993],
4 until a final determination has been made on all initial regular
5 permit applications submitted on or before the initial application
6 date of March 1, 1996 [1994].

7 SECTION 6. Section 1.25(a), Chapter 626, Acts of the 73rd
8 Legislature, Regular Session, 1993, is amended to read as follows:

9 (a) Consistent with Section 1.14 of this article, the
10 authority shall develop, by September 1, 1997 [1995], and
11 implement a comprehensive water management plan that includes
12 conservation, future supply, and demand management plans. The
13 authority may not delegate the development of the plan under
14 Section 1.42 of this article.

15 SECTION 7. Section 1.26, Chapter 626, Acts of the 73rd
16 Legislature, Regular Session, 1993, is amended to read as follows:

17 SECTION 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
18 shall prepare and coordinate implementation of a plan for critical
19 period management on or before September 1, 1997 [1995]. The
20 mechanisms must:

21 (1) distinguish between discretionary use and
22 nondiscretionary use;

23 (2) require reductions of all discretionary use to the
24 maximum extent feasible;

25 (3) require utility pricing, to the maximum extent

1 transferred to the authority.

2 SECTION 11. Section 3.04, Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993, is amended to read as follows:

4 SECTION 3.04. COOPERATION. All state and local governmental
5 entities are hereby directed to cooperate with the authority to the
6 maximum extent practicable so that the authority can best be able
7 to accomplish the purposes set forth under Article 1. The
8 authority shall, on or before January 1, 1997 [1995], submit a
9 report to the governor, lieutenant governor, and speaker of the
10 house of representatives evaluating the extent to which other
11 entities have cooperated with and assisted the authority.

12 SECTION 12. Notwithstanding the effective date provided by
13 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
14 Session, 1993, Section 1.35, of that Act takes effect March 1,
15 1996.

16 SECTION 13. The importance of this legislation and the crowded
17 condition of the calendars in both houses create an emergency and
18 an imperative public necessity that the constitutional rule
19 requiring bills to be read on three several days in each house be
20 suspended, and this rule is hereby suspended, and that this Act
21 take effect and be in force from and after its passage, and it is
22 so enacted.

feasible, to limit discretionary use by the customers of water utilities; and

(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:

(A) municipal, domestic, and livestock;

(B) industrial and crop irrigation;

(C) residential landscape irrigation;

(D) recreational and pleasure; and

(E) other uses that are authorized by law.

SECTION 8. Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) A permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1995 [1993], and vested riparian rights.

SECTION 9. Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority is responsible for the costs of purchasing, installing, and maintaining measuring devices, if required, for an irrigation well in existence on September 1, 1995 [1993].

SECTION 10. Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) On September 1, 1995 [1993], all unobligated and unexpended funds of the Edwards Underground Water District shall be

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A BILL TO BE ENTITLED

AN ACT:

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3-13-95
MAR 21 1995

Filed with the Secretary of the Senate

NATURAL RESOURCES

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by:

{ unanimous consent
a viva voce vote
_____ yeas, _____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by:

{ A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk _____

Received from the Senate

Read first time and referred to Committee on _____

Reported _____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays